



CITY OF ST. LOUIS  
**PLANNING & URBAN  
DESIGN AGENCY**  
FRANCIS G. SLAY, Mayor

File No. PDA-104-15-REZ

**To:** City of St. Louis Planning Commission

**From:** Don Roe, Director

**Subject:** Submittal of Resolution for Recommendation of Zoning District Map Amendment (Rezoning by Petition) -- City Block 3765.05 (4960R Fountain Ave.)

**Date:** August 28, 2015

## Summary

**Submittal:** Proposed amendment of the Zoning District Map by petition for Planning Commission review and recommendation.

**Site:** The 0.066 acre Rezoning Area parcel located at 4960 R Fountain Ave. is the missing corner piece of a 3/4 acre proposed gas station/convenience store site.

The site also includes parcels at 930 and 936-938 N. Kingshighway and a vacated east/west alley along the northern boundary of the North Kingshighway TIF Area in the Fountain Park neighborhood.

**Proposal:** The amendment proposes changing the zoning from the "B" Two-Family Dwelling District to the "F" Neighborhood Commercial District.

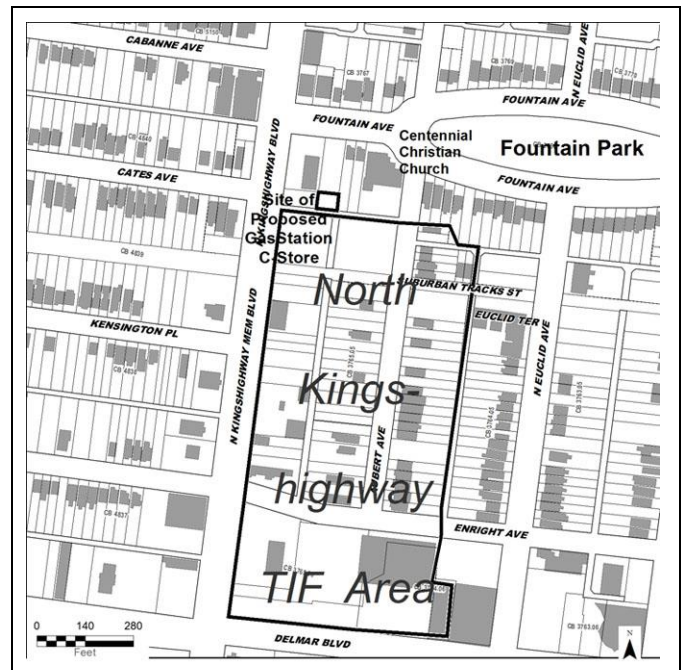
**Land Use:** The petitioner would like to consolidate the rezoned parcel with the two adjacent vacant parcels, that are already zoned "F" District. The petitioner is proposing to construct 4,800 square foot gas station /convenience store and a 1,560 square foot car wash.

**Petitioner:** Petro Holdings LLC and Crown Wholesaling Inc. (dba Kings Food Phillips, Inc.), is the owner of the three (3) parcel site. The firm is represented by David Robbins of Suburban Land Survey Inc.

**Support Letter:** Alderman Terry Kennedy (18th Ward) submitted a letter of support for the rezoning.

## Recommended Action

That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one parcel at 4960R Fountain Ave. in City Block 3765.05 to be in conformity with the City's Strategic Land Use Plan's Regional Commercial Area (RCA) and **recommends to approve** to the City's Board of Aldermen.



## 1.0 Background

- The 0.066 acre Rezoning Area consists of one parcel at 4960R Fountain Ave. created by consolidation and re-subdivision of three (3) vacant residential parcels owned by the petitioner into two (2) parcels (Board of Adjustment decision 03-18-15). The two parcels are 4960 Fountain Ave. (a fenced green space fronting on Fountain Ave.) and 4960R Fountain Ave. (a small rear parcel on the east/west alley).
- Petitioner David Robbins of Suburban Land Survey Inc. represents the owner, Kings Food Phillips, Inc., who owns the development site including the rezoning parcel as well as two (2) parcels north of the site: Kings Customs Auto Service at 1010 N. Kingshighway and a residential parcel at 4960 Fountain Ave. Crown Construction of MO, Inc. (John Anselmo) is the developer of several gas station/Crown Mart convenience store development projects in the City (4608 Dr. Martin Luther King Dr., 1515 N. 13<sup>th</sup> St., 300 S. Jefferson Ave., & 5588 Dr. Martin Luther King Dr.). The Rezoning Area parcel is currently zoned “B” Single-Family Dwelling District, as are the parcel to the north (4960 Fountain Ave.), two parcels with houses and the Centennial Christian Church to the east. (See Exhibit ‘A’)
- The petitioner’s parcels to the west of the Rezoning Area (936-938 N. Kingshighway & Kings Customs) and to the south (930 N. Kingshighway) are all currently zoned “F” Neighborhood Commercial District. Properties in the Fountain Park neighborhood fronting on residential streets other than Fountain Ave. are currently zoned “C” Multiple-Family Dwelling District. East of the proposed gas station & convenience store, the Centennial Christian Church parking lot at 901-915 Aubert Ave. is zoned “C” District.
- The petitioner would like to consolidate the rezoning parcel (rezoned “F” District) with their two parcels at 930 and 936-938 N. Kingshighway (already “F” District) and the vacated east/west alley to create an 3/4 acre development site for a gas station / convenience store with car wash. Consolidation would result in a single parcel with dual “B” & “F” District zoning with the more restrictive “B” District not allow the project. Thus, the petitioner is requesting a rezoning to “F” Neighborhood Commercial District, which would allow for the proposed project to be in compliance with the City’s Zoning Code. (See Exhibit ‘B’)
- A site plan submitted by the petitioner (see Exhibit “B”) shows gas station pumps and canopy located on the western portion of the site fronting on N. Kingshighway, the proposed 4,800 square foot convenience store and related parking located on the eastern portion of the site near the north/south alley, and the proposed 1,560 square foot car wash located on the northern portion of the site towards Kings Customs. Vehicular access points to the development site include two driveways on N. Kingshighway (west) and one driveway on Suburban Tracks Street (south), which forms the southern boundary of the site. Vehicular access from within the site to the carwash is via two driveways along the sides of the convenience store that utilize the north/south alley (east). No access is shown to Kings Customs (north).
- Zoning Administrator, Mary Hart Burton, recommends in the attached Exhibit ‘C’ “that the subject parcel in City Block 3765.05 be rezoned from the current classification of “B” Two-Family Dwelling District to the “F” Neighborhood Commercial District.” “The request is based on the Petitioner’s future plans to consolidate this parcel with two additional parcels (930 & 936-38 N. Kingshighway Blvd.) in the same city block, which are also owned by the Petitioner. The Petitioner further proposes to construct a new convenience store and motor fuel pumping station with a car wash. The two adjacent parcels are zoned “F” Neighborhood Commercial District. Consolidation of all parcels as currently zoned would result in dual zoning that would require the proposed project to meet the requirements of the more restrictive zoning “B” Two-Family Dwelling District, which would not allow for the construction of the proposed project. A rezoning of the aforementioned parcel to the “F” Neighborhood Commercial District, would allow for the proposed project to be in compliance with the Zoning Code.” “Given that the subject property will provide for additional commercial opportunities in the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be appropriate and would enhance the general welfare of the City.”

- Alderman Terry Kennedy (18th Ward) letter of support for the rezoning is attached as Exhibit ‘D’. The project also has support from the adjacent Centennial Christian Church and the neighborhood association.
- Photographs of the Rezoning Area and vicinity are included in Exhibit ‘E’.

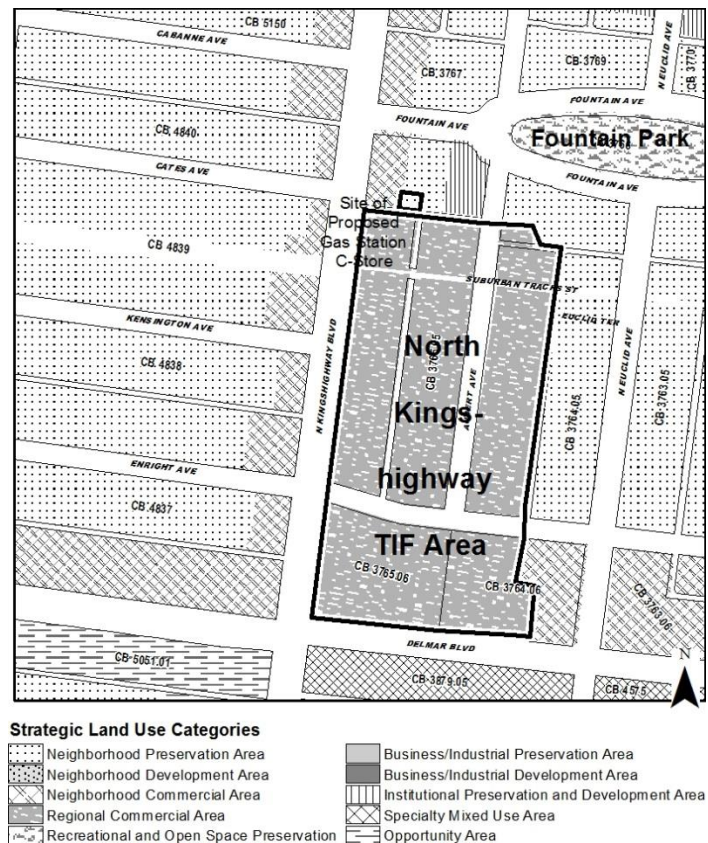
## 2.0 Comments

PDA Staff has reviewed the proposed “Petition for Zoning Amendment” for rezoning the Rezoning Area parcel at 4960R Fountain Ave. in City Block 3765.05 of the Fountain Neighborhood.

The gas station /convenience store site has a different Strategic Land Use category for each of the three parcels. The Rezoning Area parcel is Neighborhood Preservation Area (NPA), while the large parcel to the south at 930 N. Kingshighway is Regional Commercial Area (RCA), and the other parcel to the west at 936-938 N. Kingshighway is Neighborhood Commercial Area (NCA).

The SLUP’s adjacency rule allows the Planning Commission to use the **Regional Commercial Area (RCA)** which is adjacent to the other parcels.

The Strategic Land Use Plan RCA is defined as: *“Areas where the development of existing and new commercial uses intended to serve a regional clientele should be encouraged. Developments in these areas will often be new projects. These areas generally consist of existing regional commercial uses or large sites at intersections of major roads/highways with regional access and visibility. Several large and currently underutilized sites exist in the City at prominent intersections. These locations provide “ready to go” locations for large format retailers with strong adjacent markets.”*



The proposed rezoning would facilitate the redevelopment of the Rezoning Area and its larger development site (gas station, convenience store site & car wash). The addition of the Rezoning Area and the vacation of the alley enables the site to have the depth and breath for larger commercial development along N. Kingshighway.

The Strategic Land Use Plan provides for some flexibility with the “adjacency rule”, which states that: *“Recognizing that the Land Use Plan map assigns general land use categories to blocks and parcels based on current projections for development and preservation and recognizing that these designations are not exact, the Planning Commission may, in its discretion, consider a use/development/project to be in conformance with the Plan when the proposed use/development/project is allowed under the Plan in a directly abutting area.”* Thus, the proposed rezoning is in conformity with the City’s Strategic Land Use Plan.

Staff finds the petition is in conformity with the SLUP’s adjacent RCA which encourages new commercial development on currently underutilized sites at prominent intersections and recommends **approving the petition to change the zoning to the “F” Neighborhood Commercial District** as being in conformity with the SLUP.

## 2.1 Public Input

The Housing, Urban Development and Zoning (HUDZ) Committee of the Board of Aldermen will conduct a public hearing as part of the Board of Aldermen legislative process.

## 2.2 Previous Commission Action

At its October 5, 2011 meeting, the Commission adopted Amendment #9 to the Strategic Land Use Plan for Area 2: the North Kingshighway TIF Area. This TIF Area is a large area fronting on N. Kingshighway from Delmar north to the alley just south of Fountain Ave. which includes the parcel at 930 N. Kingshighway which forms 2/3<sup>rd</sup> of the gas station / convenience store site, immediately south of the Rezoning Area.

## 2.3 Requested Action

Section 26.92.010 of the City of St. Louis Revised Code requires that any amendment or change in the boundaries or regulations of the Zoning Code shall be initiated by motion of the Planning Commission or by the filing of a petition with the Zoning Administrator by the owner or owners of the property within the district.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 1 states that the Planning Commission shall be the official planning agency for the City. It shall also be the zoning commission for the City and perform all functions required by applicable state law to be performed by a municipal zoning commission.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 4 states that the Planning Commission shall recommend changes in the zoning ordinances and zoning district maps to the Board of Aldermen. No ordinance changing the zoning ordinances and zoning district maps shall be adopted over the negative recommendation of the Planning Commission, unless approved by a majority vote of all members of the Board of Aldermen.

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## Requested Recommendation

That the Planning Commission finds the petition for zoning amendment for the parcel at 4960R Fountain Ave. in City Block 3765.05 is in conformity with the City's Strategic Land Use Plan's adjacent Regional Commercial Area which encourages new commercial development on currently underutilized sites at prominent intersections and **recommends approval** to the City's Board of Aldermen.

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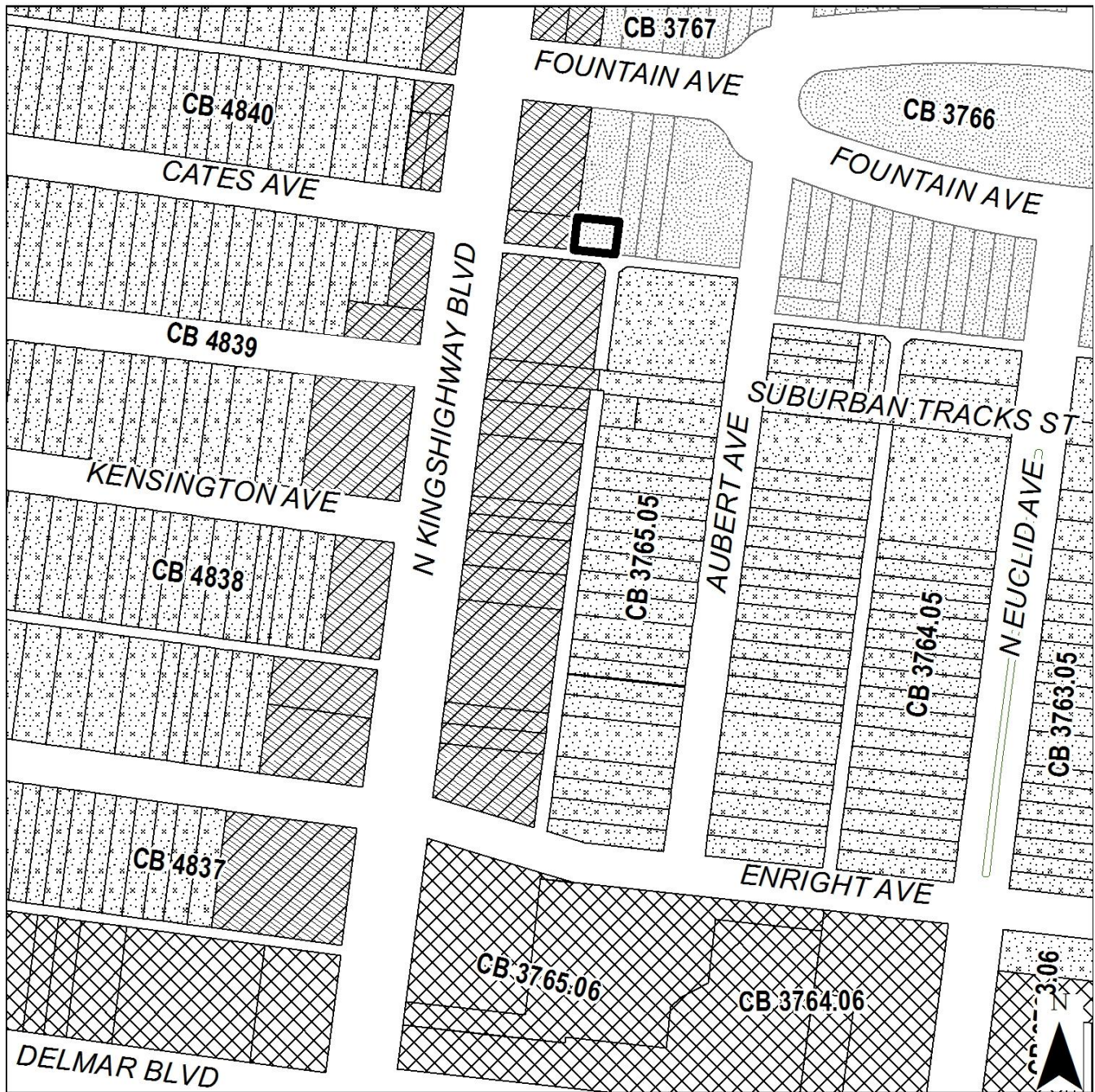
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ST. LOUIS PLANNING COMMISSION AS FOLLOWS:

1. The petition for the amendment of the Zoning District Map (to the "F" Neighborhood Commercial District) for one parcel (known as 4960R Fountain Ave.) located in City Block 3765.05 is hereby found to be in conformity with the City's Strategic Land Use Plan.
2. The petition for the amendment of the Zoning District Map (to the "F" Neighborhood Commercial District) for one parcel (known as 4960R Fountain Ave.) located in City Block 3765.05 is hereby recommended for approval.
3. The Director of the Planning and Urban Design Agency is hereby directed to notify the City's Board of Aldermen of this recommendation.



# EXHIBIT A

## DISTRICT MAP



### Current Zoning District

	A Single-Family Dwelling District		G Local Commercial District
	B Two-Family Dwelling District		H Area Commercial District
	C Multiple-Family Dwelling District		I Central Business District
	D Multiple-Family Dwelling District		J Industrial District
	E Multiple-Family Dwelling District		K Unrestricted District
	F Neighborhood Commercial District		L Jefferson Memorial District

Rezoning Area

Rezoning Petition  
from "B" to "F"

PDA-104-15-REZ

CITY OF ST. LOUIS  
**PLANNING**  
URBAN DESIGN  
AGENCY

## Exhibit B



### PETITION FOR ZONING AMENDMENT (REZONING)

CITY OF ST. LOUIS

Petitioner's Name Suburban Land Survey Inc.

Contact Name (If above is a firm/an organization) David L Robbins

Address 2007 Bellevue Ave

Phone 314-645-7055 Fax 314-644-1225 Email slsurvey@sbglobal.net

A complete Legal Description of Property to be Rezoned is required, use additional sheets if necessary (you may also attach any plans, conceptual drawings or proposals which you feel may aid in the evaluation of this request). see attached description

Address(es) including street number(s) / name(s) of Property(s) to be Rezoned \_\_\_\_\_

4960 R Fountain Ave

City Block No. 3765-N Parcel No. 3765 05 01950

Requested Zone/FBD Change From B - Two Family Residential To F - Neighborhood Commercial

(list specific zoning district or FBD Zone)

(list specific zoning district or FBD Zone)

The following can be listed or mapped on additional sheets:

- Present Use of Property(s) vacant
- Intended Use of Property(s) to be consolidated with 930 & 936 N. Kings Highway
- Grounds for Petition all parcels must be zoned A before consolidation  
along with vacated alley (in process) to form 1 commercial parcel.  
the same
- Are you the owner of the property described? no
- If not, what is your legal interest in the property? I am the land surveyor
- The owner(s)-of-record of the petitioned property according to the City of St. Louis Assessor's Records is(are) known as Kings Food Phillips, Inc

If you are NOT the owner(s)- of- record of the petitioned property you are REQUIRED to submit the Affidavit on Page 4, for each of the owner(s)- of- record of the petitioned property and it MUST be notarized.

[Signature] 7/21/15

Signature(s) of Petitioner(s)

Date Filed

Received and deemed complete by Zoning on 7/27/15.

City of St. Louis, Office of the Zoning Administrator  
Room 400, City Hall, St. Louis, MO 63103

# CITY OF ST. LOUIS

## AFFIDAVIT

I/We Kings Food Phillips Inc own the property(ies)

PRINT NAME(S)

commonly known as Let B of the Consolidation and Resubdivision of Lot 26 of Aubert in City Block  
Place Block 1 (PB 0528 2015 PB 0123)

PRINT ADDRESS(ES)

City Block Number(s) 3765-N and Parcel Number(s) 3765-05 01950

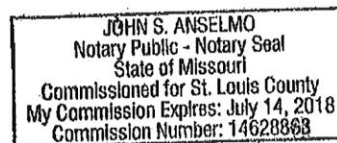
I/We acknowledge and consent to a rezoning study to be initiated on above properties.

[Signature] 7/7/2015  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE

This affidavit must be signed by all individual property owners or legal representative.  
Signature(s) must be notarized.

I ATTEST I HAVE PERSONALLY  
KNOWN TO ME PERSONALLY  
AS PRESIDENT OF  
KINGS FOOD PHILLIPS INC.  
DID SIGN ABOVE. ON  
7/7/2015.



[Signature] 7/7/2015

City of St. Louis, Office of the Zoning Administrator  
Room 400, City Hall, St. Louis, MO 63103



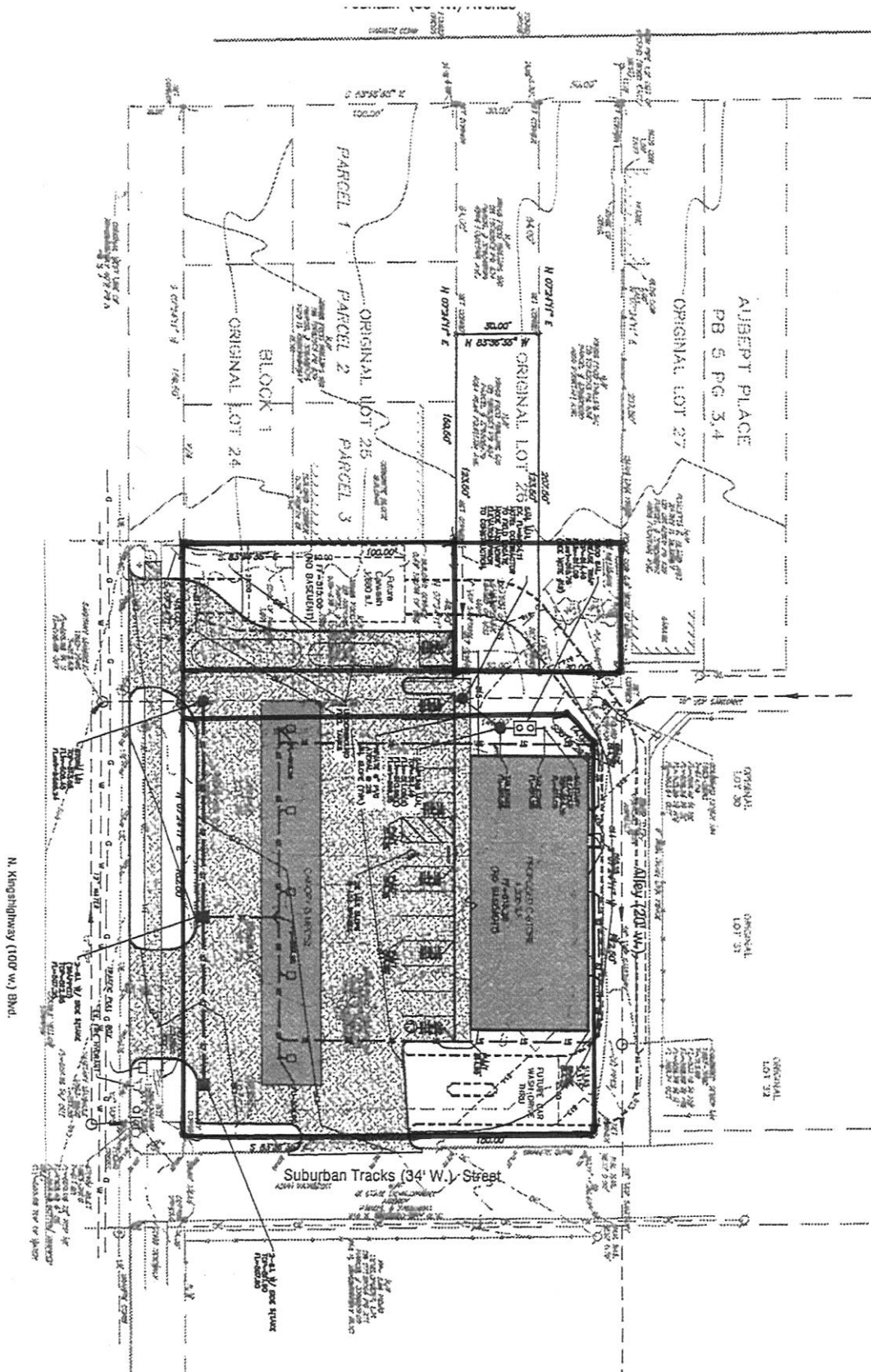
LAND DESCRIPTION  
LOT B OF  
CONSOLIDATION AND RESUBDIVISION OF LOT 26  
OF AUBERT PLACE BLOCK 1

LAND BEING PART OF LOT 26 OF BLOCK 1 OF AUBERT PLACE, A SUBDIVISION RECORDED IN PLAT BOOK 5, PAGES 3 AND 4, CITY OF ST. LOUIS RECORDS, BEING IN CITY BLOCK 3765-N, CITY OF ST LOUIS, MISSOURI, AND FURTHER DESCRIBED HEREIN;

**COMMENCING** AT AN IRON ROD (SET) AT THE NORTHWEST CORNER OF LOT 26 OF AFORESAID AUBERT PLACE BLOCK 1, SAID POINT BEING 100 FEET FROM THE EASTERLY RIGHT-OF-WAY LINE OF NORTH KINGSHIGHWAY (100 FOOT WIDE) BOULEVARD; THENCE ALONG THE WESTERLY LINE OF LOT 26, SOUTH 07 DEGREES 24 MINUTES 11 SECONDS WEST, 159.50 FEET TO AN IRON ROD (SET) AT THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE LEAVING SAID WESTERLY LINE AND DEFINING SAID LOT, SOUTH 83 DEGREES 36 MINUTES 35 SECONDS EAST, 60.00 FEET TO AN IRON ROD (SET) BEING ON THE EASTERLY LINE OF LOT 26; THENCE ALONG THE EASTERLY LINE OF LOT 26, SOUTH 07 DEGREES 24 MINUTES 11 SECONDS WEST, 48.00 FEET TO A CROSS (CUT), SAID POINT BEING ON THE NORTHERLY LINE OF AN ALLEY (15 FEET WIDE); THENCE ALONG SAID NORTHERLY LINE OF SAID ALLEY NORTH 83 DEGREES 36 MINUTES 35 SECONDS WEST, 60.00 FEET TO AN IRON ROD (SET), SAID POINT BEING ON THE WESTERLY LINE OF LOT 26; THENCE NORTH 07 DEGREES 24 MINUTES 11 SECONDS EAST, 48.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.066 ACRES OR 2,880 SQUARE FEET.







## Exhibit C



RICHARD GRAY  
DIRECTOR OF PUBLIC SAFETY

**City of St. Louis**  
**DEPARTMENT OF PUBLIC SAFETY**  
DIVISION OF BUILDING AND INSPECTION  
**FRANCIS G. SLAY**  
MAYOR



FRANK OSWALD  
DEPUTY BUILDING COMMISSIONER

**TO:** City of St. Louis Planning Commission

**FROM:** Mary Hart Burton, Zoning Administrator

**SUBJECT:** Rezoning – Fountain Park Neighborhood - City Block 3765.05 (4960R Fountain Avenue)

**DATE:** September 2, 2015

### INITIATION:

Mr. David L. Robbins of Suburban Land Survey Inc., representing the owner of record, Kings Food Phillips Inc., for the above referenced parcel, petitioned the Zoning Administrator as provided for in Chapter 26.92 of the 1994 Revised Code of the City of St. Louis, to change the Zoning District Map of the City in the Fountain Park Neighborhood. Specifically, the petition focused on one parcel in City Block 3765.05, commonly known as 4960R Fountain Avenue, that is currently zoned "B" Two-Family Dwelling District. The parcel is located in the 18th Ward of the City of St. Louis and surrounded by predominately residential and corner commercial uses.

### PURPOSE:

The request is based on the Petitioner's future plans to consolidate this parcel with two additional parcels (930 & 936-38 N. Kingshighway Blvd.) in the same city block, which are also owned by the Petitioner. The Petitioner further proposes to construct a new convenience store and motor fuel pumping station with a car wash feature. The adjacent two parcels are zoned "F" Neighborhood Commercial District. Consolidation of all parcels as currently zoned would result in dual zoning that would require the proposed project to meet the requirements of the more restrictive zoning, "B" Two-Family Dwelling District, which would not allow for the construction of the proposed project. A rezoning of the aforementioned parcel to the "F" Neighborhood Commercial District, would allow for the proposed project to be in compliance with the Zoning Code.

The purpose of the change in the zoning of the subject parcels is to bring the property into conformity with its intended future use. Given that the subject property will provide for additional commercial opportunities in the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be appropriate and would enhance the general welfare of the City.

**RECOMMENDATION:**

It is the recommendation of the Zoning Administrator that the subject parcel in City Block 3765.05 be rezoned from the current classification of "B" Two-Family Dwelling District to the "F" Neighborhood Commercial District.

cc: Alderman Terry Kennedy, 18th Ward  
Frank Oswald, Building Commissioner

Building Safety is NO Accident



## Exhibit D

5/18/2015

City of Saint Louis Mail - 930 N. Kingshighway



Hart, Mary <hartm@stlouis-mo.gov>

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### 930 N. Kingshighway

1 message

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**Terry Kennedy** <tkennedy18@sbcglobal.net>  
Reply-To: Terry Kennedy <tkennedy18@sbcglobal.net>  
To: Mary Hart <hartm@stlouis-mo.gov>

Wed, May 13, 2015 at 6:01 AM

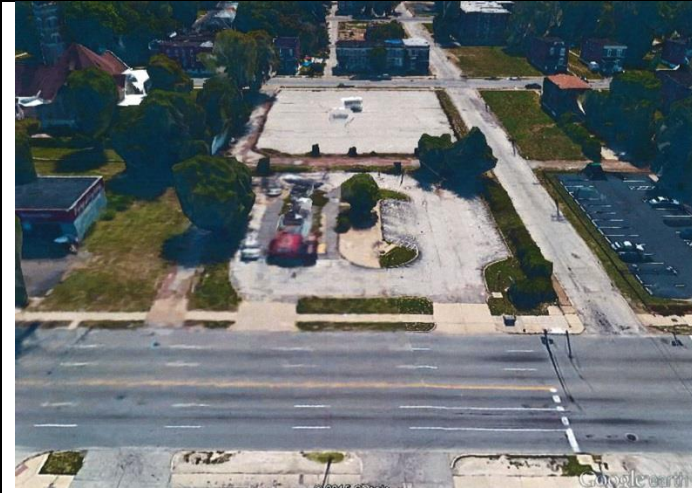
I am in support of the development at 930 N. Kingshighway. From my understanding, this commercial development includes new construction, would improve this corner and provide additional jobs in the area. It is also my understanding that this project has the support of Centennial Church located next to it and the neighborhood association.

Sincerely,

Terry Kennedy  
Alderman  
18th Ward

## Exhibit E

### Photos of Rezoning on CB 3765.05 Rezoning Area & Proposed Gas Station / C-Store Site



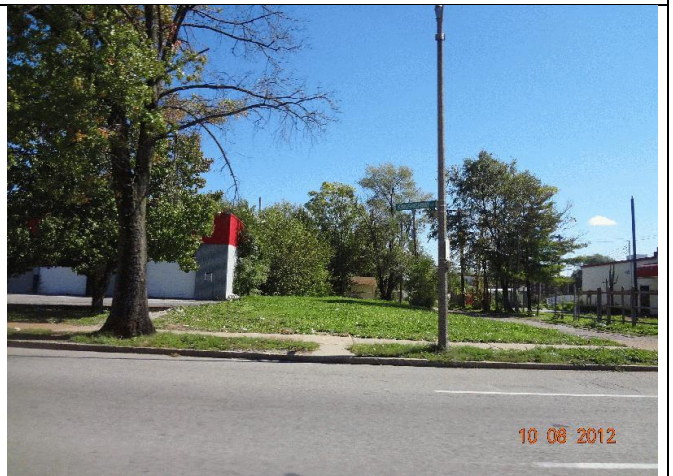
**1) Aerial View Looking East from N. Kingshighway**  
(REZ Area, EW alley, C-Store site, Suburban Tracks St)  
**C.B. 3765.05**



**2) 930 N. Kingshighway (Rezoning Area at far left)**  
(Proposed Gas Station / Convenience Store site)  
**C.B. 3765.05**



**3) 930 N. Kingshighway (south of Rezoning Area)**  
(main part of development site south of EW alley)  
**C.B. 3765.05**



**4) 936-938 N. Kingshighway (Rezoning Area)**  
(vacant lot north of EW alley, Rezoning parcel at rear)  
**C.B. 3765.05**

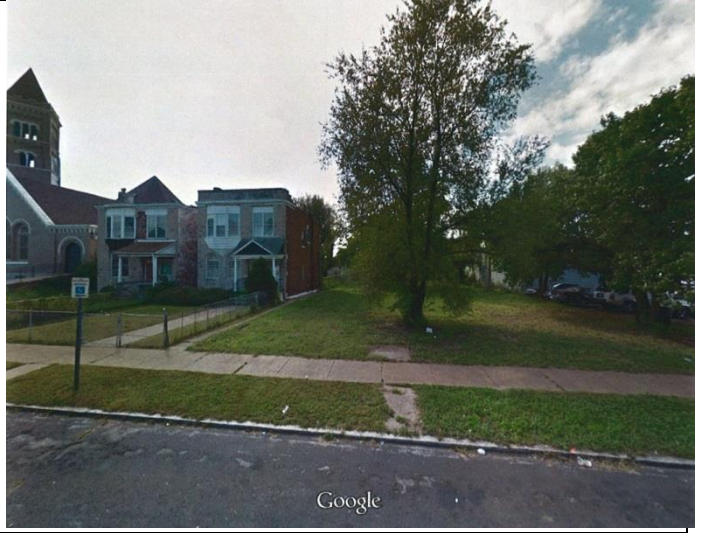


## Exhibit E

### Photos of Rezoning on CB 3765.05 Rezoning Area & Vicinity to North and East



**5) 1010 N. Kingshighway (North of REZ Area)**  
(Kings Customs Auto Service - SE corner at Fountain)  
**C.B. 3765.05**



**6) 4960 & 4960R Fountain Ave. (Rezoning Area)**  
(2 houses & vacant parcel in front of rezoning parcel)  
**C.B. 3765.05**



**7) 4950 Fountain Ave. (NE of REZ Area).**  
(Centennial Christian Church - SW corner at Aubert)  
**C.B. 3765.05**



**8) 901-915 Aubert Ave. (east of REZ Area).**  
(church parking lot, EW alley & church)  
**C.B. 3765.05**



## Exhibit E

### Photos of Rezoning on CB 3765.05 Vicinity to South



**9) Aerial View of Vicinity of Development Site**  
(Kingshighway from Fountain to Suburban Tracks St.)  
**C.B. 3765.05**



**10) Suburban Tracks St. (south of REZ Area)**  
(development site – left, Fountain Park Rehab – right)  
**C.B. 3765.05**



**1) 900 N Kingshighway (south of Rezoning Area)**  
(Fountain Park Rehabilitation & Apartments)  
**C.B. 3765.05**



**12) 793-799 Aubert (SE of REZ Area)**  
(LRA properties south of Suburban Tracks St.)  
**C.B. 3765.05**



## Exhibit E

### Photos of Rezoning on CB 3765.05 Vicinity to West



**13) 5010 Cabanne Ave. (NW of Rezoning Area)**  
(Wayman African Methodist Episcopal church)  
**C.B. 4840**



**14) 1013-15 N Kingshighway (NW of REZ Area)**  
(billboard left, vacant LRA lot right)  
**C.B. 4840**



**15) 939 N. Kingshighway (west of Rezoning Area)**  
(E + J Package Liquor)  
**C.B. 4839**



**16) 909 N Kingshighway (SW of Rezoning Area)**  
(Popeye's Louisiana Kitchen)  
**C.B. 4839**